

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN R. GAMMINO,	:	
	:	
Plaintiff,	:	Civil Action No. 2:10-cv-02493-CMR
	:	
v.	:	
	:	Honorable Cynthia M. Rufe
	:	
SPRINT COMMUNICATIONS	:	
COMPANY L.P., et al.,	:	
	:	
Defendants.	:	

**DECLARATION OF JOHN J. COTTER IN SUPPORT OF
SPRINT'S OPPOSITION TO GAMMINO'S MOTION TO AMEND HIS PROPOSED
INTERPRETATION OF THE CLAIM TERM "SIGNAL VALUE"**

I, John J. Cotter, am a partner at K&L Gates LLP, counsel for Sprint Communications Company L.P. et al., in this action. Under penalty of perjury, I declare the following to be true to the best of my knowledge, information, and belief. The matters that I state in this Declaration are based on my personal knowledge, and if called as a witness I could, and would, testify competently to them.

1. I attach as Exhibit A a true and correct copy of Plaintiff's Statement of Claim Construction emailed to Defendants' counsel on January 28, 2011.

Dated: November 4, 2011

s/ John J. Cotter
John J. Cotter

EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

JOHN R. GAMMINO,	:
	: Civil Action No. 2:10-cv-02493-CMR
Plaintiff,	:
	:
v.	: Honorable Cynthia M. Rufe
	:
SPRINT COMMUNICATIONS	:
COMPANY L.P., et al.	:
	:
	:
Defendants.	:

Plaintiff's Statement of Claim Construction

Pursuant to the Scheduling Order, Plaintiff hereby provides the following construction of claims to Defendants.

A. United States Patents 5, 809, 125 and 5, 812, 650

General Definition.

1. Telecommunication Apparatus. The term includes all devices contained in the claims, drawings and specification of the Patents, which includes but is not limited to Input Device, Decoder, Microprocessor, Microcontroller, DTMF, Program Memory, Telephone, Telephone Handset, Switch, Telecommunication Lines, Telecom Interface & Tone Generation, PBX System, Customer Premise Equipment and Signaling Device.

Selective Enabling Function

(Direct Reference to Claims 8 and 9, construction will apply to other claims)

2. Dialing signals mean digits (0,1,2,3,4,5,6,7,8,9) that can be dialed on a telephone such as a telephone call dialed 101-0228-011-81-3-3348-1393, as an example.

3. Plurality means two or more.

4. First plurality, second plurality, and third plurality of dialing signals. Those terms mean three consecutive pluralities of dialing signals. An example is for a telephone call

dialed 101-0228-011-81-3-3348-1393, the first plurality of dialing signals is 101, the second plurality of dialing signals is 0228, and the third plurality of dialing signals is 011.

5. Predetermined Signals. The term means the signals that an operator of telecommunication apparatus records in Telecommunication Apparatus for later comparison to signals that are dialed to attempt to make a telephone call.

6. Further Predetermined Signals. The term means that in addition to the first set of Predetermined Signals, the Further Predetermined Signals are an additional and separate set of signals recorded in Telecommunication Apparatus for later comparison to signals that are dialed to attempt to make a telephone call.

7. The Enabling Function (Third Plurality) is the means of transmitting a dialing sequence to a communications pathway if the third plurality of dialing signals is determined to not be Predetermined Signals used for international dialing and the result of enabling is not changed by the dialing signals in the second plurality. (Claim 8)

8. The Enabling Function (First and Third Plurality) is the means of transmitting a dialing sequence to a communications pathway if the first plurality of dialing signals are determined to not be Further Predetermined Signals and the third plurality of dialing signals are determined to not be Predetermined Signals used for international dialing and the result of enabling is not changed by the dialing signals in the second plurality. (Claim 10)

9. “Selectively enabling establishment of telephone calls.” The term means that the operator of Telecommunications Apparatus selects the Predetermined Signals and Further Predetermined Signals and thereby selects which calls will be enabled and which calls will not be enabled. As examples, the operator may select to enable all 101xxxx 01+ calls and not enable 101xxxx 011+ calls; or select to enable all of those two groups of calls; or, select to enable neither of those two groups of calls.

Function of Partially Preventing Use of a Telecommunication Device

(Direct Reference to Claims 35 and 38, construction will apply to other claims)

10. Signal values mean digits (0,1,2,3,4,5,6,7,8,9) that can be dialed on a telephone, entered into a telephone keypad, spoken into a voice receiving device, or entered in other ways. An example is a telephone call dialed 101-0228-011-81-3-3348-1393.

11. Group means two or more.

12. First group, second group and third group of signal values. Those terms mean three consecutive groups of signal values. An example is for a telephone call dialed 101-0228-011-81-3-3348-1393, the first group of signal values is 101, the second group of signal values is 0228, and the third group of signal values is 011.

13. First Test Signal Value Sequences. The term means the signal values that an operator of telecommunication apparatus records in Telecommunication Apparatus for later comparison to signal values that are dialed to attempt a telephone call.

14. Second Test Signal Value Sequences. The term means that in addition to the First Test Signal Value Sequences, the Second Test Signal Value Sequences are an additional and separate set of signal values recorded in Telecommunication Apparatus for later comparison to signal values that are dialed to attempt a telephone call.

15. Partially Preventing Use of a Telecommunications Device. The term means that the operator of Telecommunication Apparatus can prevent calls by partially preventing use of a telecommunication device by selecting the Test Signal Value Sequences and Second Test Signal Value Sequences and thereby selects which calls will be prevented and which calls will not be prevented. As examples, the operator may select to prevent all 101xxxx 011+ calls and not prevent 101xxxx 01+ calls, select to prevent all of those two groups of calls or select to prevent neither of those two groups of calls.

16. Preventing Function (Third Group) is the means of at least partially preventing use of telecommunication device if third group of signal values is identical to the plurality of First Test Signal Value Sequences and the result of prevention is not changed by the dialing signals in the second plurality. (Claim 35)

17. Preventing Function (First and Third Group) is the means of at least partially preventing use of telecommunication device if the first group of signal values is found to be identical to the plurality of Second Test Signal Value Sequences and third group of signal values is identical to the plurality of first test signal value sequences and the result of prevention is not changed by the dialing signals in the second plurality. (Claim 38)

18. Irrespective of the second plurality. The term means that the enablement or prevention of a telephone call is not changed by the dialing signals in the second plurality.

Function of Partially Preventing Use of a Telecommunication Device

(Direct Reference to Claim 22, construction will apply to other claims)

19. Signal values mean digits (0,1,2,3,4,5,6,7,8,9) that can be dialed on a telephone and an example is a telephone call dialed 101-0228-011-81-3-3348-1393.

20. For a telephone call using signal values, "Further Signal Value" is the first group of signal values, "Plurality of Further Signal Values" is the second group of signal values, and "at least two of said Plurality of Signal Values respectively located at predetermined locations used for international dialing" is the third group of signal values.

21. Respective Predetermined Digit Sequences. The term means the signal values that an operator of telecommunication apparatus records in Telecommunication Apparatus for later comparison to signal values that are dialed to attempt a telephone call.

22. Further Predetermined Signal Value. The term means that in addition to the Respective Predetermined Digit Sequences used for international dialing, the Further Predetermined Signal Value are an additional and separate set of signal values recorded in Telecommunication Apparatus for later comparison to signal values that are dialed to attempt a telephone call.

23. Preventing Function is the means of at least partially preventing use of telecommunication device if “at least two of said Plurality of Signal Values respectively located at predetermined locations used for international dialing” and one of Respective Predetermined Digit Sequences are found to be identical; and if Further Predetermined Signal Value is found to be identical to Further Signal Value; and the result of prevention is not changed by the dialing signals in the Plurality of Further Signal Values.

B. United States Patent 5, 359, 643
Claim Construction

1. Plurality means two or more.
2. Dialing digit means one digit (0,1,2,3,4,5,6,7,8,9) that may be dialed on a telephone.
3. First plurality of signals which represent a telephone dialing digit not including “0” means one dialing digit not “0.”
4. Multi-digit phone number means a phone number that includes more than one digit (0,1,2,3,4,5,6,7,8,9) that may be dialed on a telephone.
5. Receiving at least one further signal means receiving one or more dialing digit.
6. Dual Tone Multiple Frequency signals are particular types of signals that represent a multi-digit phone number.

s/wmm

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CERTIFICATE OF SERVICE

I, **William M. Mullineaux** certify that on January 28, 2011, I emailed a true and correct copy of Plaintiff's Statement of Claim Construction to counsel for Defendants at the following Email address.

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